

DRAFT MEETING MINUTES
Legislative Committee of The Nevada Board of Wildlife
Commissioners

FRIDAY, MARCH 15, 2019 AT 9:00 AM
CLARK COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS, 500 S GRAND
CENTRAL PKWY., LAS VEGAS, NV, 89155
TELECONFERENCED TO
NEVADA DEPARTMENT OF WILDLIFE: 1100 VALLEY ROAD,
CONFERENCE ROOM, RENO, NV 89512

Committee Members present: Committee Chairman Tiffany East, Commissioner Paul Valentine and Member Greg Smith.

NDOW staff present: Director Tony Wasley, Deputy Director Jack Robb, Deputy Director Liz O'Brien, Management Analyst III Kailey Taylor, Chief Game Warden Tyler Turnipseed, Habitat Division Administrator Alan Jenne, Data and Technology Services Division Administrator Chet Van Dellen, Conservation Education Division Administrator Chris Vasey, Executive Assistant Brandy Arroyo, Administrative Assistant Kathleen Teligades, and Administrative Assistant Katie Simper.

Members of the public present: Rex Flowers, Linda Linton, Larry Johnson, Karen Boeger, Joel Blakeslee, and Mel Belding.

Call To Order, Pledge of Allegiance, Introduction of Committee Members and Roll Call:
Committee Chairman East called to order at 9:05am. Management Analyst Kailey Taylor called role.

Approval of Agenda:

There were no questions from the Committee.

No Public Comment.

COMMISSIONER VALENTINE MOVED TO APPROVE THE AGENDA. COMMISSIONER JOHNSTON SECONDED THE MOTION. THE MOTION CARRIED 3-0 WITH MEMBER SMITH ABSENT.

Approval of Minutes:

There were no questions from the Committee.

No Public Comment

Commissioner Johnston asked if they could vote on minutes even if they were not in attendance.

Deputy Attorney General Stockton said that is correct.

COMMISSIONER JOHNSTON MOVED TO APPROVE THE MINUTES. COMMISSIONER VALENTINE SECONDED THE MOTION. THE MOTION CARRIED 3-0 WITH MEMBER SMITH ABSENT.

Review of Bill/Bill Draft Request (BDR) Tracking List:

Committee Chairman East noted that there has been some activity. She went through the tracking list quickly.

AB74:

This bill was heard in Assembly Natural Resources. Concerns from the Assembly Natural Resources and Agriculture Committee were regarding small businesses and crafters. Comments in our Legislative Committee meeting were about transferring heads to family or organizations which selling/auctioning pieces.

SB55:

The Legislative Committee voted to support in the last meeting. The Committee voted to support in concept A83. Assemblywoman Titus asked us to clarify the word "stamp" in resource enhancement stamp. Assemblywoman Peters asked about harassment covering small animals. In our last Committee meeting, Member Smith asked about taking out the word "light."

Management Analyst Kailey Taylor noted that the Department submitted an amendment to the AB83 which takes the word "light" out of the harassment portion. The words "manned or unmanned" were added before "aircraft." This bill will be scheduled for a work session in two weeks.

Chief Game Warden Tyler Turnipseed added that the only other thing in the amendment is the addition of "the life of any livestock or pet" in the protection of life portion in section 2.

Committee Chairman East said that SB85 was heard. There were concerns regarding accidentally bringing carcasses in from other states and asked if intention could be incorporated into the bill. She said that the Legislative Committee supported SB17. The Legislative Committee voted to remain neutral on AB70 and voted to support AB84 which is concerning the issuance of state general conservation bonds.

Public Comment - None.

Committee Chairman East asked Habitat Division Administrator Alan Jenne to discuss the water bills.

Habitat Division Administrator Alan Jenne began with AB30 which discusses 3M plans. There was no support for the bill. It tries to resolve guidance from the State Engineer. As Nevada Revised Statute (NRS) is written now, there is conflicting guidance, so they are trying to resolve that issue. It appears it was done without any outreach to stakeholders. His recommendation is to see where this goes because there are many people involved. AB51 is very similar and relates to conjunctive management. It tries to allow for management of groundwater and surface water because science supports a connection between the two. Again, there was no support for this. His recommendation is to wait on this as well. This might be an opportunity, as these bills evolve, to find a window to insert regarding environmental impacts.

Commissioner Johnston, Deputy Attorney General Stockton and Habitat Division Administrator Jenne discussed water rights currently in litigation.

Habitat Division Administrator Jenne explained that SB140 is looking to create a ten percent reserve where there is appropriated water. This tries to create a reserve that is allowable for a drought. In the science of water management, it may alleviate some environmental concern if there is ever an opportunity.

Commissioner Johnston said he would be comfortable with a broad position that water laws should take into account wildlife and wildlife habitat.

Deputy Attorney General Stockton explained that there is a provision in NRS 533 which requires water for wildlife to be taken into consideration when appropriating water.

Habitat Division Administrator Jenne that law is on the books however that is not in everyone's mind so if we can continue to push for that, it would be beneficial. AB62 puts infrastructure in place and allows up to 15 years for infrastructure for domestic water delivery and 10 years for projects greater than 2 CFS or greater than 100 acres of cultivation. I believe this is tied to the Southern Nevada Water Authority (SNWA) pipeline project. Habitat Division Administrator Jenne does not have a position.

Management Analyst Taylor noted that AB62 has been heard, but not scheduled for a work session.

Habitat Division Administrator Jenne told the Committee there is no need to follow AB95 and AB163.

Management Analyst Taylor reminded the Committee that AB95 was already taken off the Committee's tracking list.

Commissioner Johnston said that part of the issue is that certain parts of the state cannot be compared with other parts of the state. The current law does not grasp some complexities from around the state and so we have these new proposals. There is an acting State Engineer right now who is trying to find tools to avoid the harsh reality of prior appropriation rules.

Habitat Division Administrator Jenne said that prior decisions have put them in a place where the decisions are so conflicted that the only place they will end up is in court.

Committee Chairman East brought up the bills that have come out recently. SB120 was presented at our last Committee meeting. The concern is that it highlights high-risk behavior and protective orders. In section 9 and 10 it reads "acquired a firearm or other deadly weapon within the immediately preceding 6 months; or..." These are very subjective. If you have purchased a firearm and go to a banquet where you win or purchase another firearm, does that stipulate high risk behavior?

Commissioner Johnston said he has trouble comprehending the bill. It makes it seem as though you still have to pose a risk to yourself or others. He said he has had some experience with protective orders and how they can be abused at times. He does not know if it is something the Wildlife Commission needs to delve into.

Commissioner Valentine believes that if Section 10 went away this Committee wouldn't even be discussing the bill.

Commissioner Johnston noted that section 9 already talks about how the individual is already in possession of a firearm but then it mentions the "and previously acquired a firearm..."

Committee Chairman East said we will skip SB120 and moved on to SB275. This bill creates the Board to License Master Guides and Sub Guides. Apparently, this topic has come up several times in the past. Senator Goicoechea sponsored this bill with Assemblyman Ellison. She mentioned that she has some questions about the funding, the oversight, and dollars.

Commissioner Johnston asked what this bill is really doing.

Management Analyst Taylor explained that this would create a board to handle the licensing of guides and sub guides while taking that authority away from the Law Enforcement Division.

Director Tony Wasley mentioned that some of the individuals who put this forward are frustrated that the Law Enforcement Division hasn't given them the attention they deserve. They believe that if they had their own governing board it could be more responsive to their industry regarding regulations and licensing issues.

Commissioner Johnston asked what regulations the new board would do.

Deputy Attorney General Stockton said he has reviewed this bill briefly and that it states the regulations passed by the Commission will be in effect until the new Board adopts/passes regulations regarding master guides and sub guides. Section 13 removes the ability to revoke or suspend a guide license. There is no guidance in the bill. License fees for guides will be used to support this Board.

Commissioner Valentine asked if the new board would enforce the guides.

Deputy Attorney Stockton explained that it wouldn't have the authority to enforce it because Section 13 makes changes to the revocation of licenses, but it still maintains that the first offense is a gross misdemeanor and the second offense is a Category E felony. Since those are criminal provisions, Law Enforcement would have to make the charges and they would still have to be heard in the courts.

Director Wasley noted that the Department has been asked for the fiscal note.

Chief Game Warden Turnipseed said that Director Wasley mostly covered everything. There is a feeling from Nevada Outfitters and Guides Association (NOGA) who represents about one-third of Nevada's master guides. They have a general feeling that they do not get as much of a product for their licensing dollars as they would like when it comes to guide laws and regulation development. Generally, this is more of an effort from them to get more input on these areas. He said he does not know how it would work. The Department currently uses the money to process the licenses, do background checks and do any enforcement. There was a case in the last couple weeks where the Law Enforcement Division convicted a gentleman for guiding without a license. A few years ago, we put together a list of some of the guide-related cases we worked in the past few years and it came out to about 42 cases. There is a lot of enforcement around the guiding industry.

Committee Chairman East said the Committee will track this bill. There are also Joint Resolutions. There are two opposing the Air Force Expansion into the Desert National Wildlife Refuge and AJR3 discusses support for the Nevada Greater Sage Grouse Conservation Plan and Nevada Conservation Credit System. It urges the BLM to require compensatory mitigation to offset anthropogenic disturbances in accordance with the Nevada Conservation Credit System. SJR4 expresses support of the Nevada Legislature for the enactment of the Recovering America's Wildlife Act.

Management Analyst Taylor noted that AJR2 is scheduled for a work session the following week.

Commissioner East explained that the two bills opposing the Air Force expansion are very supported between all conservation groups.

Public Comment -

Larry Johnson, Coalition for Nevada's Wildlife, said they would love to see one of those resolutions amended to cover the Naval expansion as well. A representative testified on AB30 and AB51 in opposition. We have concerns with both bills as both have alluded to the fact that there is not a conservation priority or wildlife consideration in either of those bills. There are mitigation concerns but that does no good when there is a riparian impact as well. The Coalition urges you to specifically added that conservation be added as a priority in any of these water bills. Though there are existing statutes protecting wildlife, they are largely ignored.

Karen Boeger, Back Country Hunters and Anglers said they ditto everything that Mr. Johnson said.

Management Analyst Taylor mentioned that many bill draft requests have yet to come out as bills.

COMMISSIONER JOHNSTON MOVED TO ADD SB275 TO THE TRACKING LIST. VALENTINE SECONDED. MOTION CARRIES 3-0 WITH MEMBER SMITH ABSENT.

Committee Review of Legislation, Recommendations on Commission Positions on Legislation and Legislative Platforms:

Commissioner Johnston said that after listening to public comment it seems as though we should be supportive of the addition of the Naval Air Station. He believes this Commission previously provided written comments on this situation.

Committee Chairman East asked if there is a copy of that letter.

Director Wasley confirmed that the Department will search for it.

Committee Chairman East asked if the Committee would like to develop a water platform.

Commissioner Johnston believes that when these proposals come forward they need to take the existing laws protecting wildlife into account. We should suggest working in additional language that address wildlife and habitat issues. There are so many competing interests, but we can have a broad platform that any water bills need to give consideration to wildlife and habitat.

Commissioner Valentine asked if the Committee should oppose those bills with the caveat that wildlife and habitat considerations need to be taken into account.

Commissioner Johnston suggested opposing the bills as drafted until appropriate consideration is given to wildlife

Deputy Attorney General Stockton noted that NRS 533.567 is the provision that would be referenced.

Commissioner Johnston asked if that provision remains after someone has already obtained the rights.

Deputy Attorney General Stockton mentioned another provision, 533.0243, which discusses conversion for wildlife purposes.

Commissioner Johnston explained that he does not support SB275 and does not hear the rationale for it. He believes adding another board is not the solution.

Committee Chairman East does not believe it is necessary.

Commissioner Valentine agreed.

Commissioner Johnston wondered if it relates to the fact that last year there was a hearing where a guide's license was revoked or if this relates to the sellable list issue.

Committee Chairman East would like us to oppose this bill.

BDR902:

The Legislative Committee voted to support in concept.

Commissioner Valentine reiterated that I would like to see the language and how the money will be distributed.

Commissioner Johnston supports the concept. He has previously brought up the idea of opening up the account for certain expenditures.

Larry Johnson, Coalition for Nevada's Wildlife, reiterated that deadlines are quickly approaching. The money would be distributed based off the same terms that are in statute now. There is no modification to that. The Heritage Committee appointed by the Commission would make those decisions.

Commissioner Johnston explained that if it goes through the same process he will support it.

Commissioner Valentine said that if the Heritage Committee is involved he will support it also.

Management Analyst Taylor asked the Committee if they were taking a position on the Joint Resolutions.

Commissioner Johnston said that has down that we need to take positions on BDR902, AJR2, SJR3, SB275, AB30 and AB51.

Public Comment –

Linda Linton, Private Citizen, would like to emphasize the platform regarding the water issues. There is never discussion of wildlife or habitat in any of the litigation currently happening.

Committee Chairman East would like to take previous stated positions in addition to the AJR2 and SJR3, the positions on AB30 and AB51, the opposition of SB275 and the support in concept of BDR902.

Commissioner Johnston reiterated that the opposition of AB30 and AB51 is unless the legislature considers wildlife in water management.

Deputy Attorney General Stockton explained that there needs to be action taken.

COMMISSIONER JOHNSTON MOVED TO SUPPORT BDR902, AJR2 AND SJR3 WITH THE CAVEAT THEY INCLUDE NAVAL WITHDRAW OR ASK FOR SIMILAR RESOLUTIONS, OPPOSE SB275 AND OPPOSE AB30 AND AB51 UNLESS THEY INCLUDE CONSIDERATION OF WILDLIFE AND HABITAT. MOTION WAS SECONDED BY COMMISSIONER VALENTINE. MOTION CARRIES 3-0 WITH MEMBER SMITH ABSENT.

Future Committee Meetings:

Committee Chairman East would like to meet sometime the week of the 15th.

Management Analyst Kailey Taylor pointed out that the first committee passage is April 12th, so if the Legislative Committee wanted to have a position on newer bills, they would need to meet before then.

Commissioner Johnston suggested meeting prior to the Committee passage deadline.

Public Comment –

Joel Blakeslee, Nevada Trappers Association, said he has concern about the ability of the committee to respond to what is likely to happen in the next two weeks. He mentioned a trapping bill that could come about.

Committee Chairman East explained that there are bills coming out left are right.

Commissioner Johnston explained that former Commissioner Drew would look at former Commission positions and then still comment on those issues from a personal view while noting that the Commission had not yet met.

Committee Chairman East noted that the Committee will need to have the understanding that they need to be flexible.

Mr. Blakeslee said the deadline for personal bills is next Monday and Committee deadline is the following Monday. Everything there is to know will be out after that.

Committee Chairman East and Commissioner Valentine suggested meeting March 26th and the week of April 15th.

Public Comment Period:

Larry Johnson, Coalition for Nevada's Wildlife, commented that this is the most heads up he has seen from the Committee. The Committee should have met a couple of months ago, but you are well on track. He thanked the Committee.

The meeting was adjourned at 10:30am